United Nations A/C.3/64/L.21

General Assembly

Distr.: Limited
19 October 2009

Original: English

Sixty-fourth session
Third Committee
Agenda item 65 (a)
Promotion and protection of the rights of children

Antigua and Barbuda, Argentina, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia (Plurinational State of), Brazil, Bulgaria, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Ireland, Italy, Jamaica, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Slovakia, Slovenia, Spain, Suriname, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of): draft resolution

Rights of the child

The General Assembly,

Reaffirming all its previous resolutions on the rights of the child, the most recent of which is resolution 63/241 of 24 December 2008, in their entirety,

Emphasizing that the Convention on the Rights of the Child[1] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[2] as well as other human rights instruments,

Reaffirming that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

Reaffirming also the Vienna Declaration and Programme of Action,[3] the United Nations Millennium Declaration[4] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit

[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[2] Ibid., vols. 2171 and 2173, No. 27531.
[3] A/CONF.157/24 (Part I), chap. III.
[4] See resolution 55/2.

09-56415 (E) 201009

Please recycle

for children",[5] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[6] the Dakar Framework for Action adopted at the World Education Forum,[7] the Declaration on Social Progress and Development,[8] the Universal Declaration on the Eradication of Hunger and Malnutrition,[9] the Declaration on the Right to Development[10] and the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York from 11 to 13 December 2007,[11]

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[12] and on the status of the Convention on the Rights of the Child and the issues addressed in Assembly resolution 63/241,[13] as well as the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[14] whose recommendations should be carefully studied, taking fully into account the views of Member States, and taking note of the report of the Secretary-General on children and armed conflict,[15]

Acknowledging the important role played by national governmental structures for children, including, where existing, ministries and institutions in charge of child, family and youth issues and independent ombudspersons for children or other national institutions for the promotion and protection of the rights of the child,

Taking note with appreciation of the work to promote and protect the rights of the child carried out by all relevant organs, bodies, entities and organizations of the United Nations system, within their respective mandates, and relevant mandate holders and special procedures of the United Nations, as well as relevant regional organizations where appropriate, and intergovernmental organizations, and recognizing the valuable role of civil society, including non-governmental organizations,

Profoundly concerned that the situation of children in many parts of the world has been negatively affected by the world financial and economic crisis, and reaffirming that eradicating poverty continues to be the greatest global challenge facing the world today, recognizing its impact beyond socio-economic context,

---

[5] Resolution S-27/2, annex.

[6] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[7] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[8] See resolution 2542 (XXIV).

[9] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[10] Resolution 41/128, annex.

[11] See resolution 62/88.

[12] A/64/285.

[13] A/64/172.

[14] A/64/254.

[15] A/63/785-S/2009/158 and Corr.1.

I
Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Commemorates* the twentieth anniversary of the adoption of the Convention on the Rights of the Child[1] and the fiftieth anniversary of the adoption of the Declaration of the Rights of the Child,[16] which provided a foundation for the Convention, and takes this opportunity to call for the effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms;

2. *Reaffirms* paragraphs 1 to 8 of its resolution 63/241, and urges States that have not yet done so to become parties to the Convention on the Rights of the Child and the Optional Protocols thereto[2] as a matter of priority and to implement them fully;

3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;[3]

4. *Encourages* States parties to take duly into account, in implementing the provisions of the Convention and the Optional Protocols thereto, the recommendations, observations and general comments of the Committee on the Rights of the Child, including general comment No. 12 (2009), on the right of the child to be heard;[17]

5. *Welcomes* actions of the Committee on the Rights of the Child to follow up and monitor the implementation of its concluding observations and recommendations by the States parties, and, in this regard, particularly underlines the regional workshops and the participation of the Committee in national-level initiatives;

6. *Recalls* Human Rights Council resolution 10/14 of 26 March 2009, entitled "Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto";[18]

II
Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

7. *Reaffirms* paragraphs 9 to 11 of its resolution 63/241, and calls upon States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

---

[16] See resolution 1386 (XIV).

[17] CRC/C/GC/12, 20 July 2009.

[18] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II.A.

Registration, family relations and adoption or other forms of alternative care

8. Also reaffirms paragraphs 12 to 16 of its resolution 63/241, and urges all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to protect children in matters relating to registration, family relations and adoption or other forms of alternative care, and, in the cases of international parental or familial child abduction, encourages States to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

9. *Welcomes* the accomplishment of the United Nations Guidelines for the Alternative Care of Children and the decision of the Human Rights Council, by its resolution 11/7 of 17 June 2009,[19] to submit them to the General Assembly for action thereon;

Economic and social well-being of children, eradication of poverty, right to education, enjoyment of the highest attainable standard of physical and mental health and right to food

10. *Reaffirms* paragraphs 17 to 26 of General Assembly resolution 63/241, paragraphs 42 to 52 of Assembly resolution 61/146, and paragraphs 37 to 42 of Assembly resolution 60/231, and calls upon all States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field and by implementing their previous commitments in the field of poverty eradication, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to food for all;

11. *Recognizes* the threat to the achievement of internationally agreed development goals, including the Millennium Development Goals, posed by the global financial and economic crisis, which is connected to multiple, interrelated global crises and challenges, such as the food crisis and continuing food insecurity, volatile energy and commodity prices and climate change, and calls upon States to address, in their response to this crisis, any impact on the full enjoyment of the rights of children;

Elimination of violence against children

12. *Reaffirms* paragraphs 27 to 32 of its resolution 63/241 and paragraphs 47 to 62 of its resolution 62/141, condemns all forms of violence against children, and urges all States to implement the measures set out in paragraph 27 of resolution 63/241;

13. *Welcomes* the appointment of the Special Representative of the Secretary-General on Violence against Children, and encourages all States, requests United Nations entities and agencies and invites regional organizations and civil society, including non-governmental organizations, to continue to widely disseminate and follow up on the United Nations study on violence against children by the independent expert appointed by the Secretary-General[20] and to cooperate with and provide support to the Special Representative, including financial support,

---

[19] Ibid., chap. I.

[20] See A/61/299 and A/62/209.

in promoting the further implementation of the recommendations of the study and for the effective and independent performance of her mandate, while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon States and institutions concerned and invites the private sector to provide voluntary contributions for that purpose;

Promoting and protecting the rights of children, including children in particularly difficult situations

14. *Reaffirms* paragraphs 34 to 42 of its resolution 63/241, and calls upon all States to promote and protect all human rights of all children in particularly difficult situations, to implement programmes and measures that provide them with special protection and assistance, including, inter alia, access to health care, education and social services, as well as, where appropriate and feasible, voluntary repatriation, reintegration, family tracing and family reunification, in particular for children who are unaccompanied, and to ensure that the best interests of the child are accorded primary consideration;

Children alleged to have infringed or recognized as having infringed penal law and children of persons alleged to have infringed or recognized as having infringed penal law

15. *Also reaffirms* paragraphs 43 to 47 of its resolution 63/241, and calls upon all States to respect and protect the rights of children alleged to have infringed or recognized as having infringed penal law, as well as children of persons alleged to have infringed or recognized as having infringed penal law;

Prevention and eradication of the sale of children, child prostitution and child pornography

16. *Further reaffirms* paragraphs 48 to 50 of its resolution 63/241, and calls upon all States to prevent, criminalize, prosecute and punish all forms of sale of children, including for the purposes of transfer of organs of the child for profit, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, with the aim of the eradication of those practices, and the use of the Internet and other information and communications technologies for these purposes, to combat the existence of a market that encourages such criminal practices and take measures to eliminate the demand that fosters them, as well as to address the needs of victims effectively and take effective measures against the criminalization of children who are victims of exploitation;

17. *Welcomes* the adoption of the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, which is the outcome document of the Third World Congress against the Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, Brazil, in November 2008;

18. *Calls upon* all States to take necessary legislative or other measures in cooperation with relevant stakeholders to ensure that child pornography and child sexual abuse images on the Internet are reported and removed and that access to such websites is blocked when they cannot be removed;

Children affected by armed conflict

19. *Reaffirms* paragraphs 51 to 63 of its resolution 63/241, and condemns in the strongest terms all violations and abuses committed against children affected by armed conflict, and in this regard urges those parties to armed conflict that are engaged, in contravention of applicable international law, in recruitment and use of children, in patterns of killing and maiming of children and/or rape and other sexual violence against children, as well as all other violations and abuses against children, to develop concrete and time-bound measures to end them, and urges all States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to continue to give serious attention to all violations and abuses committed against children in situations of armed conflict;

20. *Also reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict, and also notes the activities undertaken by the Peacebuilding Commission, within its mandate, in areas that promote and contribute to the enjoyment of the rights and welfare of children;

21. *Notes with appreciation* the steps taken regarding Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 and the adoption of Security Council resolution 1882 (2009) on 4 August 2009 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with these resolutions, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, and requests the Secretary-General to ensure that information collected and communicated by the monitoring and reporting mechanism is accurate, objective, reliable and verifiable, and in this regard encourages the work and deployment, as appropriate, of United Nations child protection advisers in peacekeeping operations and political and peacebuilding missions;

Child labour

22. *Reaffirms* paragraphs 64 to 80 of its resolution 63/241, and calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development and to eliminate immediately the worst forms of child labour;

23. *Takes note with appreciation* of the United Nations Educational, Scientific and Cultural Organization *Education for All Global Monitoring Report* of 2009, which emphasizes the need to increase the quality of education as a way to attract and keep children in school as a tool in the prevention and elimination of child labour, and calls upon all States to take fully into account the action plan entitled "The end of child labour: within reach", which was adopted unanimously by the International Labour Conference in 2006, in their national efforts to tackle child labour and to monitor progress towards meeting the target of eliminating the worst forms of child labour by 2016;

III
The right of the child to express his or her views freely in all matters affecting him or her

24. *Recognizes* that the child who is capable of forming his or her own views should be assured the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his or her age and maturity;

25. *Reaffirms* that the general principle of participation forms part of the framework for the interpretation and implementation of all other rights incorporated in the Convention on the Rights of the Child;

26. *Also reaffirms* the international agreement on the 2015 target date for achieving universal primary education in all countries, and emphasizes that literacy and universal access to free and compulsory primary education of a good quality for all children is a key element in promoting the right of the child to express his or her views freely in all matters affecting him or her, and encourages international cooperation in this regard, including regional cooperation as well as South-South cooperation;

27. *Recognizes* that, in the exercise by the child of his or her right to be heard, States shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the age, maturity and evolving capacities of the child, appropriate direction and guidance;

28. *Also recognizes* the key role that can be played by schools, and in this regard encourages States to ensure the institutionalization of children's participation and encourage the active consultation with children and the consideration of their views on relevant matters related to schools;

29. *Further recognizes* the role that can be played by the private sector, including the media, in promoting the participation and active consultation of children in issues affecting them, taking into account the best interests of the child;

30. *Recognizes* that the free engagement of children in extra-curricular activities, such as cultural, artistic, recreational, leisure, ecological and sports activities at the local and national levels, could develop the ability of children to express their views;

31. *Expresses deep concern* that, despite the recognition of children as rights holders entitled to express their views freely in all matters affecting them, those views being given due weight in accordance with the age and maturity of the child, children are seldom seriously consulted and involved in such matters and that the full implementation of this right in many parts of the world has yet to be fully realized;

32. *Recognizes* that the achievement of the right of the child to express his or her own views and to participate requires adults to adopt a child-centred attitude, listening to children and respecting their rights and individual points of view;

33. *Calls upon* all States to:

(a) Ensure that children are given the opportunity to express their views freely on all matters affecting them, including within family settings, in school and in their communities, and that due weight is given to those views once expressed, without discrimination on any grounds by, as appropriate, adopting and/or continuing to implement regulations and arrangements that are firmly anchored in laws and institutional codes and that are regularly evaluated with regard to their effectiveness;

(b) Ensure that funding for child participation is considered in resource allocation and that policies and programmes to facilitate their participation are institutionalized and fully implemented;

(c) Address all the root causes impeding children from exercising their right to be heard and to be consulted on issues affecting them and to raise awareness on the importance of child participation in a democratic society that respects the best interests of the child;

(d) Designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent ombudspersons for children, which should also have mechanisms in place for allowing and promoting the involvement and participation of children in the formulation and implementation of public policies, and ensure adequate and systematic training in the rights of the child for professional groups working with and for children;

(e) Involve children in the planning, design, implementation and evaluation of national plans of action that relate to the rights of the child, in recognition of the role of the child as a core stakeholder in the process according to his or her own age, maturity and evolving capacities;

(f) Encourage and enable children affected by natural and man-made disasters and complex emergencies, in particular adolescents, to participate in analysing their situations and future prospects in both post-emergency reconstruction processes and post-conflict resolution processes, while ensuring that such participation is in accordance with their age, maturity and evolving capacities and is consistent with the best interests of the child and recognizing that appropriate care needs to be taken to protect children from exposure to situations that are likely to be traumatic or harmful;

(g) Develop policies and effective mechanisms at the local and national levels to enable children to express their views and participate safely and meaningfully in the monitoring and reporting processes related to the implementation of the Convention on the Rights of the Child;

(h) Develop and implement policies and programmes to promote the creation by public authorities, parents, guardians, other caregivers and other adults working with or for children of an environment based on trust, information sharing, the capacity to listen and sound guidance that is conducive to the equal participation of children, including in decision-making processes;

(i) Partner with civil society organizations, including child- and youth-led organizations as well as the private sector and the media, in order to raise awareness about the benefits of child participation in society, and to inform children, parents,

guardians, other caregivers and the general public about the rights of the child while being attentive to their influence on children and children's protection;

(j) Take all appropriate measures to promote the active involvement of parents, professionals and relevant authorities in the creation of opportunities for children to exercise their rights within their everyday activities in all relevant settings, including by providing training in the necessary skills;

(k) Provide support to children and young people to enable them to form and register their own associations and other child- and youth-led initiatives, in conformity with national and international law, and ensure their full participation in the development of policies designed to meet national children and youth goals and targets;

(l) Ensure the equal participation of girls and young women on the basis of non-discrimination and as partners with boys and young men in the development of strategies and the implementation of action aimed at achieving gender equality, development and peace;

(m) Provide support to girls, if needed, to voice their views and for their views to be given due weight, and adopt measures to eliminate gender stereotypes that undermine and place severe limitations on girls in the enjoyment of this right;

(n) Take measures to ensure the exercise of the right to expression of views for children belonging to minorities and/or vulnerable groups, including migrant children, and indigenous children within their cultural values or ethnic identities;

(o) Adopt measures, including providing or promoting the use of accessible means, modes and formats of communication, to facilitate the expression of views by children with disabilities;

(p) Ensure that, while taking the necessary measures to prevent and punish the wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance and children born during the captivity of a mother subjected to enforced disappearance, and while cooperating and assisting in the search for the identification of children who have been victims of such practices and returning them to their families of origin, in accordance with legal procedures and applicable international agreements, the best interests of the child shall be a primary consideration and that a child who is capable of forming his or her own views shall have the right to express those views freely, the views of the child being given due weight in accordance with the age and maturity of the child;

(q) Ensure that child-sensitive procedures are made available to children and their representatives so that children have access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention on the Rights of the Child through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views are heard when they are involved or their interests are concerned in judicial or administrative procedures;

(r) Support the mainstreaming of children's participation and their safe and meaningful involvement in United Nations processes that are related to the promotion and protection of the rights of the child;

(s) Support children's participation in initiatives to prevent and respond to violence against children, including in the work of the Special Representative of the Secretary-General on Violence against Children;

(t) Establish and/or enhance, in collaboration with children, families, civil society and other relevant actors, a safe, meaningful and child-friendly environment for the appropriate, relevant, informed and voluntary participation of children in decision-making processes and minimize the risk to children of violence, exploitation or any other negative consequence of their participation, taking into account their preferred mediums of expression, age, maturity and evolving capacities;

(u) Take measures to guarantee the participation of children in the design and implementation of preventive and comprehensive anti-bullying policies;

IV
Follow-up

34. *Decides:*

(a) To request the Secretary-General to submit to the General Assembly at its sixty-fifth session a comprehensive report on the rights of the child containing information on the status of the Convention on the Rights of the Child and the issues addressed in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in discharging her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

(c) To request the Special Representative of the Secretary-General on Violence against Children to submit annual reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(d) To request the Special Rapporteur on the sale of children, child prostitution and child pornography to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(e) To invite the Chairperson of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-fifth session as a way to enhance communication between the Assembly and the Committee;

(f) To invite all Member States, organizations of the United Nations system, non-governmental organizations and individuals to observe the twentieth anniversary of the adoption of the Convention on the Rights of the Child;

(g) To continue its consideration of the question at its sixty-fifth session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on [next year's theme].